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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

AUG 29 1988

EXPRESS MAIL--
RETURN RECEIPT REQUESTED

Mr. Ray Irani, President
Occidental Petroleum Corporation
10889 Wilshire Boulevard
Los Angeles, California 90024

Mr. Michael J. Rudick
Vice President and General Counsel
Occidental Chemical Corporation
Occidental Tower
P.O. Box 809050
Dallas, Texas 75380

Mr. John Hanna, Jr.
Whiteman, Osterman and Hanna
One Commerce Plaza
Albany, New York 12260

Mr. Thomas L. Jennings
Vice President
Corporate Environmental Offices
Occidental Chemical Corporation
360 Rainbow Boulevard South
P.O. Box 728
Niagara Falls, New York 14302

Re: Hooker/Ruco Site
Hicksville, New York

Gentlemen:

The United States Environmental Protection Agency (EPA) is charged with responding to the release or the threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcing responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, (CERCLA), 42 U.S.C. §§9601-9675.

In response to releases and threatened releases of hazardous substances into the environment at a parcel of property herein referred to as the "Hooker/Ruco Site", located on New South Road, Hicksville, Nassau County, New York, EPA has spent public funds and anticipates spending additional public funds. These actions have been and will be taken by EPA pursuant to CERCLA.

Shortly, EPA intends to conduct the following studies with respect to the Site:

1. A Remedial Investigation to identify the nature and extent of the release of hazardous substances, pollutants and contaminants at and from the Site.
2. A Feasibility Study to evaluate possible remedial actions.

Following the completion of the Remedial Investigation/ and Feasibility Study (RI/FS), EPA will select a remedy for the Site.

In correspondence in July 1987, EPA notified Occidental of its responsibilities under CERCLA and that Occidental may be potentially responsible for the conditions at the Hooker/Ruco Site under CERCLA. That same correspondence invoked the special notice and moratorium procedures of Section 122(e) of CERCLA, 42 U.S.C. §9622(e) and invited Occidental to submit a proposal to undertake or finance the RI/FS within the Section 122(e) time periods. In correspondence dated September 21, 1987, EPA extended the moratorium period for an additional thirty (30) days pursuant to Section 122(e). When the moratorium periods had expired without an agreement by Occidental to undertake the RI/FS, EPA notified Messrs. Irani and Hanna, in correspondence dated November 25, 1987, that EPA would proceed to use public funds to perform the RI/FS. In a March 10, 1988 correspondence and previous telephone conversations, I had indicated to Mr. Jennings that EPA would give Occidental another opportunity to perform the RI/FS according to the work plan and under an Administrative Order.

Enclosed is a copy of a work plan entitled: "Final Work Plan, Remedial Investigation/Feasibility Study, Hooker/Ruco Site, Town of Hicksville, Nassau County, New York" and dated "August, 1988," prepared by Ebasco Services, Inc. at the request of EPA. Although this work plan has been entitled "Final" and represents a substantially complete

document, some minor modifications will be made to it. My staff will be available to discuss any modifications with you prior to the issuance of the final work plan.

We wish to determine whether you are willing to perform the RI/FS according to the Ebasco work plan or to fund the RI/FS. Any agreement by you to fund or to perform the RI/FS must be memorialized in an administrative order. Therefore, enclosed is an Administrative Order on Consent, which has been drafted for the conduct of the RI/FS by Occidental Chemical Corp. In addition, in accordance with Section 104(a) of CERCLA, EPA will not authorize you to conduct the RI/FS for the Site unless we determine that you have the capabilities needed to carry out the RI/FS promptly and properly, and unless you agree to reimburse EPA for the cost of overseeing your conduct of the RI/FS. Should you not volunteer to perform or fund the work, EPA will proceed with the work itself. You may be held liable for the costs we have incurred or will incur in performing the work.

This notice is not being provided pursuant to the special notice procedures outlined in Section 122(e) of CERCLA, 42 U.S.C. §9622(e). Special notice has previously been provided to the potentially responsible parties and the moratorium periods have expired. Additionally, the available information does not indicate that use of §122(e) procedures again would facilitate an agreement with the potentially responsible parties and expedite remedial action.

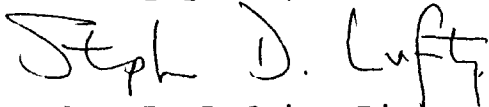
Please notify EPA, in writing, within ten (10) calendar days of your receipt of this letter, whether you are prepared to perform or fund the above-described studies. If you are so prepared, please include with your notification a description of your technical and financial qualifications to conduct the work, and a statement of your willingness to reimburse EPA for its RI/FS oversight costs. If an agreement can be reached pursuant to which Occidental will perform or fund the RI/FS, an administrative order to that effect must be finalized and signed by Occidental by September 20, 1988.

Your notification should be transmitted to Mr. Melvin Hauptman, P.E., Site Compliance Branch, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Room 747, New York, New York 10278. A copy of your notification should be transmitted to Mr. Gregory Snyder, Office of Regional Counsel, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Room 437, New York, New York 10278.

If we do not receive a response from you as specified above, we will assume that you decline to perform or fund the RI/FS. We are prepared to meet with you to discuss your possible performance or funding of the RI/FS at the Hooker/Ruco Site. Should you wish to meet with us or if you have any questions regarding this matter, please contact Mr. Hauptman at (212) 264-7681.

Thank you for your prompt attention to this matter.

Sincerely yours,

A handwritten signature in dark ink, reading "Steph D. Luftig". The signature is written in a cursive, slightly slanted style.

Stephen D. Luftig, Director
Emergency and Remedial Response Division

Enclosures

cc: Mr. J. Roger Hirl
Occidental Chemical Corporation (w/o enclosures)

Mr. Michael J. O'Toole, Jr., P.E.
New York State Department
of Environmental Conservation (w/enclosures)